

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NEW YORK

THE JOHN HANCOCK LIFE INSURANCE
COMPANY (U.S.A.),

Plaintiff,

--against--

MARK POSNER and SAMUEL STEIN, in their
capacities as Trustees of The Hermine Stein
Irrevocable Life Insurance Trust, and
LEVI GOLDSTEIN,

Defendants.

Docket No.: 10-cv-1477 (RRM)(CLP)

STIPULATION AND ORDER OF DISMISSAL WITHOUT PREJUDICE

WHEREAS, on or about April 2, 2010, plaintiff the John Hancock Life Insurance Company (U.S.A.) ("Plaintiff"), filed a Complaint wherein it sought a declaratory judgment and damages against the defendants; and

WHEREAS, without admitting or acknowledging the validity of any claims or defenses asserted by any of the parties, Plaintiff and defendant Levi Goldstein are interested in resolving the issues alleged in the Complaint in this action, and have negotiated in good faith for that purpose; and

WHEREAS, none of the parties to the above-captioned action is an infant or incompetent person; and

WHEREAS, the Plaintiff wishes to discontinue all of its claims against defendant Levi Goldstein.


NOW THEREFORE, in exchange for good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the parties and their respective counsel stipulate as follows:

1. The parties hereby agree that the above-captioned action is dismissed and discontinued without prejudice only as to defendant Levi Goldstein, pursuant to Rule 41(a)(1)(A)(ii) of the Federal Rules of Civil Procedure.

2. This Stipulation and any Order entered thereon shall have no precedential value or effect whatsoever and shall not be admissible in any other action or proceeding as evidence or for any other purpose except in an action or proceeding to enforce this Stipulation.

Dated: Brooklyn, New York
October 3, 2011

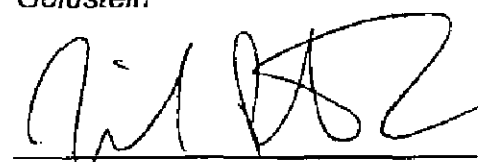
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TREFF & LOWY PLLC
*Attorneys for Defendant Levi
Goldstein*

By: 
Michael Paneth, Esq.
342 Bedford Avenue
Brooklyn, New York 11249

SO ORDERED:

Hon.

1. The parties hereby agree that the above-captioned action is dismissed and discontinued without prejudice only as to defendant Levi Goldstein, pursuant to Rule 41(a)(1)(A)(ii) of the Federal Rules of Civil Procedure.

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TREFF & LOWY PLLC
*Attorneys for Defendant Levi
Goldstein*

By: _____
Michael Paneth, Esq.
342 Bedford Avenue
Brooklyn, New York 11249

SO ORDERED:

s/RRM

Hon. _____
10/4/2011